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Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Secretary-General on the safety of journalists and the issue of impunity

Note by the Secretariat

In its resolution 69/185, the General Assembly requested the Secretary-General to report to the Assembly at its seventieth session and to the Human Rights Council at its thirtieth session on the implementation of that resolution. In that regard, the Secretariat has the honour to refer the Council to the report of the Secretary-General submitted to the Assembly (A/70/290).

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Methods of work of the Working Group on Arbitrary Detention*

I. Introduction

1. The methods of work take account of the specific features of the terms of reference of the Working Group on Arbitrary Detention under Commission on Human Rights resolutions 1991/42, 1992/28, 1993/36, 1994/32, 1995/59, 1996/28, 1997/50, 1998/41, 1999/37, 2000/36, 2001/40, 2002/42, 2003/31 and 2004/39, as well as Human Rights Council resolutions 6/4, 10/9, 15/18 and 24/7. In resolution 1997/50, the Commission gave the Working Group not only the task of informing the Commission by means of a comprehensive report, but also of "investigating cases of deprivation of liberty imposed arbitrarily" (para. 15).

II. Functioning of the Working Group

2. The Working Group on Arbitrary Detention was set up under Commission on Human Rights resolution 1991/42. The initial mandate of the Working Group was renewed by the Commission and the Human Rights Council. The Council undertook the mandate of the Working Group in accordance with decision 2006/102 and renewed the mandate by resolutions 6/4, 15/18 and 24/7. The Working Group's mandate is considered for renewal every three years.

3. The Working Group is organized internally as follows:

(a) The Working Group shall elect, at its spring session, a Chair-Rapporteur, a First Vice-Chair and a Second Vice-Chair, for a term of one year, taking due account of the need for rotation among the geographical regions and the gender balance, among other

* The present methods of work supersede those contained in the report of the Working Group on Arbitrary Detention (A/HRC/16/47 and Corr.1, annex).

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considerations. They shall take office at the end of the same session. Each officer can be re-elected;

(b) The Chair-Rapporteur shall perform the functions conferred upon her or him by the resolution that creates or renews the mandate of the Working Group, the methods of work and the decisions of the Working Group. The Chair-Rapporteur shall represent the Working Group before the Human Rights Council, States and other relevant stakeholders. She or he shall chair the sessions of the Working Group;

(c) The First Vice-Chair should be the focal point of the Working Group on individual complaints, while the Second Vice-Chair should be the focal point of the Working Group on follow-up on all actions taken by the Working Group;

(d) In the exercise of their functions, the Chair-Rapporteur and the Vice-Chairs shall remain under the authority of the Working Group. In the absence of the Chair-Rapporteur, the First Vice-Chair, or alternatively the Second Vice-Chair, shall temporarily assume the assigned functions of the Chair-Rapporteur as required by the circumstances. In the absence of either Vice-Chair, the remaining Vice-Chair should temporarily assume the assigned functions of the absent Vice-Chair;

(e) Each of these three officers shall report fully to the Working Group at the beginning of each session on activities they have undertaken during the intersession, and on any activity undertaken during a session without the other members of the Working Group;

(f) The Working Group can appoint at any time a rapporteur on specific issues of interest.

4. The Working Group meets at least three times a year, for at least five to eight working days, generally in Geneva.

5. When the case under consideration or the country visit concerns a country of which one of the members of the Working Group is a national, or in other situations where there may be a conflict of interest, that member shall not participate in the discussion of the case, in the visit or in the preparation of the report on the visit.

6. During the course of its deliberations, when dealing with individual cases or situations, the Working Group renders opinions, which are incorporated into its annual report submitted to the Human Rights Council. The opinions of the Working Group are the result of consensus; where consensus is not reached, the view of a majority of the members of the Working Group is adopted as the view of the Working Group.

III. Implementation of the mandate of the Working Group

7. The mandate of the Working Group is to investigate cases of deprivation of liberty imposed arbitrarily. In the discharge of its mandate, the Working Group refers to the relevant international standards set forth in the Universal Declaration of Human Rights, as well as to the relevant international instruments accepted by the States concerned, in particular the International Covenant on Civil and Political Rights; the Convention relating to the Status of Refugees of 1951 and the International Convention on the Elimination of All Forms of Racial Discrimination, as well as, when appropriate, the following standards:

(a) Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment;

(b) Standard Minimum Rules for the Treatment of Prisoners;

(c) United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

(d) United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules");

(e) Convention on the Rights of the Child;

(f) International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, as well as any other relevant standard.

8. As a general rule, in dealing with situations of arbitrary deprivation of liberty within the meaning of paragraph 15 of resolution 1997/50, the Working Group shall refer, in the discharge of its mandate, to the following five legal categories:

(a) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him) (category I);

(b) When the deprivation of liberty results from the exercise of the rights or freedoms guaranteed by articles 7, 13, 14, 18, 19, 20 and 21 of the Universal Declaration of Human Rights and, insofar as States parties are concerned, by articles 12, 18, 19, 21, 22, 25, 26 and 27 of the International Covenant on Civil and Political Rights (category II);

(c) When the total or partial non-observance of the international norms relating to the right to a fair trial, established in the Universal Declaration of Human Rights and in the relevant international instruments accepted by the States concerned, is of such gravity as to give the deprivation of liberty an arbitrary character (category III);

(d) When asylum seekers, immigrants or refugees are subjected to prolonged administrative custody without the possibility of administrative or judicial review or remedy (category IV);

(e) When the deprivation of liberty constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings (category V).

IV. Submission and consideration of communications

A. Submission of communications to the Working Group

9. Communications shall be submitted in writing and addressed to the secretariat, giving the family name, first name and address of the sender and (optionally) his or her telephone, telex and telefax numbers or e-mail address.

10. As far as possible, each case shall form the subject of a presentation indicating the circumstances of the arrest or detention and the family name, first name and any other information making it possible to identify the person detained, as well as the latter's legal status, particularly:

(a) The date and place of the arrest or detention or of any other form of deprivation of liberty and the identity of those presumed to have carried them out, together with any other information shedding light on the circumstances in which the person was deprived of liberty;

(b) The reasons given by the authorities for the arrest, detention or the deprivation of liberty;

(c) The legislation applied in the case;

(d) The action taken, including investigatory action or the exercise of internal remedies, by the administrative and judicial authorities, as well as the steps taken at the international or regional levels, and the results of such action or the reasons why such measures were ineffective or were not taken;

(e) An account of the reasons why the deprivation of liberty is deemed arbitrary;

(f) A report of all elements presented by the source that aim to inform the Working Group on the full status of the reported situation, such as the beginning of a trial; the granting of provisional or definitive release; and changes of incarceration conditions or venue or of any other similar circumstances. An absence of information or an absence of a response by the source may lead the Working Group to terminate its consideration of the case.

11. In order to facilitate the Working Group's work, it is hoped that communications will be submitted using the model questionnaire available from the Working Group's secretariat.

12. Communications addressed to the Working Group may be received from the individuals concerned, their families or their representatives. Such communications may also be transmitted by Governments and intergovernmental and non-governmental organizations as well as by national institutions for the promotion and the protection of human rights. In dealing with communications, the Working Group will give consideration to articles 9, 10 and 14 of the Code of Conduct for Special Procedures Mandate-Holders of the Human Rights Council.

13. In accordance with the provisions of paragraph 4 of Human Rights Commission resolution 1993/36, the Working Group may, on its own initiative, take up cases that might constitute arbitrary deprivation of liberty.

14. When the Working Group is not in session, the Chair-Rapporteur, or in her/his absence the First Vice-Chair (see para. 3 (c) and (d)), may decide to bring the case to the attention of the Government.

B. Consideration of communications

15. In the interest of ensuring mutual cooperation, communications shall be brought to the attention of the Government and the reply of the latter shall be brought to the attention of the source of the communication for its further comments. They shall be transmitted by the Chair-Rapporteur of the Working Group or, if she or he is not available, by the First Vice-Chair (see para. 3 (c) and (d)). In the case of Governments, the letter shall be transmitted through the Permanent Representative to the United Nations Office at Geneva. In the letter the Working Group shall request the Government to reply within 60 days, during which appropriate inquiries may be carried out by the Government so as to furnish the Working Group with the fullest possible information. In the letter the Working Group shall also inform the Government that the Working Group is authorized to render an opinion determining whether the reported deprivation of liberty was arbitrary or not. If a reply is not received from the Government within the time limit, the Working Group may render an opinion on the basis of the information submitted by the source.

16. However, if the Government desires an extension of this time limit, it shall inform the Working Group of the reasons for requesting one, so that it may be granted a further period of a maximum of one month in which to reply. Even if no reply has been received upon expiry of the time limit set, the Working Group may render an opinion on the basis of all the information it has obtained.

C. Action taken on communications

17. In the light of the information obtained, the Working Group shall take one of the following measures:

(a) If the person has been released, for whatever reason, following the referral of the case to the Working Group, the case is filed through an opinion. The Working Group reserves the right to render an opinion, on a case-by-case basis, whether or not the deprivation of liberty was arbitrary, notwithstanding the release of the person concerned;

(b) If the Working Group considers that the case is not one of arbitrary detention, it shall render an opinion to that effect. The Working Group can also make recommendations in this case if it considers it necessary;

(c) If the Working Group considers that further information is required from the Government or from the source, it may keep the case pending until that information is received;

(d) If the Working Group considers that the arbitrary nature of the detention is established, it shall render an opinion to that effect and make recommendations to the Government.

18. The opinions rendered by the Working Group shall be transmitted to the Government concerned. Two weeks after their transmittal, they shall be communicated to the source.

19. The opinions rendered by the Working Group shall be brought to the attention of the Human Rights Council in its annual report.

20. Governments, sources and other parties should inform the Working Group of the follow-up action taken on the recommendations made by the Working Group in its opinion. This will enable the Working Group to keep the Human Rights Council informed of the progress made and of any difficulties encountered in implementing the recommendations, as well as of any failure to take action.

D. Procedure of review of opinions

21. In exceptional circumstances, the Working Group may, at the request of the Government concerned or the source, reconsider its opinions under the following conditions:

(a) If the facts on which the request is based are considered by the Working Group to be entirely new and such as to have caused the Working Group to alter its decision had it been aware of them;

(b) If the facts had not been known or had not been accessible to the party originating the request;

(c) In the case where the request comes from a Government, on condition that the latter has observed the time limit for reply referred to in paragraphs 15-16 above.

V. Urgent action procedure

22. A procedure known as "urgent action" may be resorted to in the following cases:

(a) In cases in which there are sufficiently reliable allegations that a person is being arbitrarily deprived of his liberty and that the continuation of such deprivation

constitutes a serious threat to that person's health, physical or psychological integrity or even to her or his life;

(b) In cases in which, even when no such threat is alleged to exist, there are particular circumstances that warrant an urgent action.

23. After having transmitted an urgent appeal to the Government, the Working Group may transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. Such appeals — which are of a purely humanitarian nature — in no way prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent action procedure and the regular procedure.

24. The Chair-Rapporteur, or in his or her absence the First Vice-Chair (see para. 3 (c) and (d)), shall transmit the appeal by the most rapid means to the Minister for Foreign Affairs through the Permanent Mission of the country concerned.

VI. Country visits

25. For the purposes of completing its task, the Working Group frequently pays visits on official mission. These visits are prepared in collaboration with the Government, the United Nations agencies in the field and civil society representatives. The visits are an opportunity for the Working Group to engage in direct dialogue with the Government in question and with representatives of civil society, with the aim of better understanding the situation of deprivation of liberty in the country and the underlying reasons for arbitrary detention. An important part of these missions are visits to detention centres, including penitentiaries, prisons, police stations, detention centres for migrants and psychiatric hospitals.

26. When the Working Group receives an invitation by a Government to conduct a country visit, the Working Group responds by inviting the Permanent Representative of the State to the United Nations Office at Geneva to a meeting to determine the dates and terms of the country visit. The secretariat of the Working Group initiates a dialogue with the parties involved in the visit with a view to taking all practical measures to facilitate the mission. The preparation for the visit is conducted in close cooperation with diplomatic authorities of the host country and United Nations agencies.

27. The Government must assure the Working Group that, during the visit, the Working Group will have the opportunity to conduct meetings with the highest authorities of the branches of the State (political, administrative, legislative and judicial authorities) and that it will be able to visit penitentiaries, prisons, police stations, immigration detention centres, military prisons, detention centres for juveniles and psychiatric hospitals. It will be able to meet with all the authorities and officials who affect the personal liberty of persons subjected to the jurisdiction of the host State. The Working Group shall also conduct meetings with international bodies and agencies as well as non-governmental organizations, lawyers, bar associations and other professional associations of interest, national human rights institutions, diplomatic and consular representatives and religious authorities. Absolute confidentiality shall be guaranteed during the interviews between the Working Group and persons deprived of their liberty. The Government shall guarantee there will be no reprisals against persons interviewed by the Working Group.

28. The Working Group shall conduct at least two visits per year, and its delegation will be composed of at least two of its members.

29. At the end of its visit, the Working Group shall submit a preliminary statement to the Government, informing it about its preliminary findings. It shall inform the public of its findings by means of a press conference after debriefing the Government.

30. A report shall be prepared by the Working Group, and once adopted it shall be communicated to the Government of the country visited with a view to gathering its observations on factual and legal errors. The final report shall take into consideration the observations of the Government. It shall be published as an addendum to the annual report.

31. During the visit, members of the Working Group shall respect the legislation of the host country.

32. Two years after its visit, the Working Group shall request the Government to present a report on the implementation of the recommendations formulated in its mission report. All of the stakeholders involved in the visit shall be informed during this follow-up procedure and shall submit their observations. If necessary, the Working Group shall request a follow-up visit to the country concerned.

VII. Coordination with other human rights mechanisms

33. In order to strengthen the good coordination which already exists between the various United Nations bodies working in the field of human rights (resolution 1997/50, para. 1 (b)), the Working Group takes action as follows:

(a) If the Working Group, while examining allegations of violations of human rights, considers that the allegations could be more appropriately dealt with by another working group or special rapporteur, it will refer them to the relevant working group or rapporteur within whose competence they fall, for appropriate action;

(b) If the Working Group receives allegations of violations of human rights which fall within its competence as well as within the competence of another thematic mechanism, it may consider taking appropriate action jointly with the working group or special rapporteur concerned;

(c) If communications concerning a country for which the Human Rights Council has appointed a special rapporteur, or another appropriate mechanism with reference to that country, are referred to the Working Group, the latter, in consultation with the rapporteur or the person responsible, shall decide on the action to be taken;

(d) If a communication addressed to the Working Group is concerned with a situation that has already been referred to another body, action shall be taken as follows:

(i) If the function of the body to which the matter has been referred is to deal with the general development of human rights within its area of competence (e.g. most of the special rapporteurs, representatives of the Secretary-General, independent experts), the Working Group shall retain competence to deal with the matter;

(ii) However, if the body to which the matter has already been referred has the function of dealing with individual cases (Human Rights Committee and other treaty bodies), the Working Group shall transmit the case to that other body if the person and facts involved are the same.

34. Furthermore, the Working Group shall not make visits to countries for which the Human Rights Council has already appointed a country rapporteur, or another appropriate mechanism with reference to that country, unless the special rapporteur or the person responsible considers the visit by the Working Group to be useful.

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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Annual full-day discussion on the human rights of women

Report of the Office of the United Nations High Commissioner for Human Rights

Summary

In accordance with its resolutions 6/30, 23/25, 26/15 and 29/14, the Human Rights Council convened its annual full-day discussion on the human rights of women during its twenty-ninth session. The discussion focused on the elimination and prevention of domestic violence against women and girls and on women's human rights and participation in power and decision-making. It also focused on measures and good practices in addressing human rights violations experienced by women in the domestic and public spheres.

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I. Introduction

1. On 19 June 2015, the Human Rights Council convened its annual full-day discussion on the human rights of women, pursuant to resolutions 6/30, 23/25, 26/15 and 29/14. The discussion consisted of two panels. The first focused on eliminating and preventing domestic violence against women and girls. The second addressed women's human rights and participation in power and decision-making.

2. The current report summarizes the discussion under those two themes. It sets out the main issues raised, together with the conclusions and recommendations.

II. Panel one: eliminating and preventing domestic violence against women and girls

3. The panel on eliminating and preventing domestic violence against women and girls was moderated by the General Secretary of the World Young Women's Christian Association (YWCA) and African Union Goodwill Ambassador for Ending Child Marriage, Nyaradzayi Gumbonzvanda. It was composed of the Minister on the Status of Women and Women's Rights of Haiti, Marie Yves Rose Morquette Myrtil; representative of the Government of Spain for issues related to gender-based violence Blanca Hernández Oliver; founder and head of Aliansi Laki-Laki Baru, Indonesia, and Member of the Secretary-General's UNiTE Network of Men Leaders to End Violence against Women, Nur Hasyim; Director ad interim of the Policy Division, United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Begoña Lasagabaster; professor and researcher at El Colegio de la Frontera Norte university, Tijuana, Mexico, Julia Estela Monárrez Fragoso; and Crime Prevention and Criminal Justice Officer of the United Nations Office on Drugs and Crime (UNODC), Sven Pfeiffer.

A. Statement by the United Nations Deputy High Commissioner for Human Rights

4. In her opening remarks, the Deputy High Commissioner said that it had taken years of struggle to frame domestic violence as a human rights violation. She noted that gender and ideological stereotypes that require women's obedience to their husbands and fathers had sustained the idea that domestic violence was a private matter in which the State could not interfere. She said that at the heart of violence lay the belief that men—fathers, husbands, brothers—had an entitlement over women and a right, or even a responsibility, to control their behaviour or protect their "honour".

5. She welcomed the considerable normative developments at the international, regional and national levels that had been developed around the issue. Nonetheless, one in three women in the world would experience violence during the course of her life and in 2012 alone, half of all female murder victims had been killed by family members or intimate partners, compared with only 6 per cent of male murder victims.

6. The Deputy High Commissioner called for comprehensive interventions that addressed both the causes and the impact of domestic violence. She highlighted four areas where State action was crucial. First, in addressing discriminatory legislation; including constitutionally recognizing equality between men and women in all spheres of life and prohibiting marital rape. Second, the need for effective prosecution of perpetrators and measures for strengthened prosecution not only to ensure accountability but also as a way to challenge the social acceptance of domestic violence. She said that effective access to

justice for women was also urgently required, including through gender-sensitive law enforcement, which would also offer adequate protection from retaliation and stigma. Third, reparation for survivors that went beyond simply returning women to the situation in which they were found before the individual instance of domestic violence and that was transformative, in that it had the potential to reverse prior gender inequalities that were often the root causes of the violence. Fourth, targeted efforts to change mindsets, including by organizing awareness-raising campaigns to challenge attitudes and stereotypes, and informing the public about measures of protection and redress, as well as education, to deconstruct stereotypical notions of masculinity and femininity and promote new understandings that valued the full equality of men and women.

7. She recalled several tools and projects developed by the Office of the United Nations High Commissioner for Human Rights that could assist States in eliminating and preventing domestic violence, such as the Latin American model protocol for the investigation of gender-related killings of women, programmes on gender stereotyping by the judiciary and guidance on gender-just and transformative reparations for survivors. The Deputy High Commissioner recommended that States undertake educational and awareness-raising activities, including on relationships and sexuality education, and involve communities and traditional and religious leaders in promoting gender equality and shifting attitudes about gender roles and relationships.

B. Overview of the panellists' interventions

8. The panel moderator said that domestic violence was unnatural and a violation of trust, and that it was preventable. Ms. Gumbonzvanda noted the two resolutions tabled at the session on the issue of violence against women and girls and on child, early and forced marriage and welcomed the fact that the Council was paying attention to the issue. She also welcomed regional initiatives on the issue, in particular the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Declaration on the Elimination of Violence against Women in the ASEAN Region and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa.

9. Ms. Gumbonzvanda stressed the importance of implementing and enforcing legislation and policies and said that violence against women was not merely a social issue, but a crime. She referred to work done by YWCA in 100 countries, including the provision of shelters, legal assistance and hotlines. She encouraged the panellists and States to explore the manifestations, prevalence and underlying causes of domestic violence and to build on previous decisions, resolutions and interventions by States towards implementing and accelerating efforts at national level.

10. Ms. Morquette Myrtil recalled the Beijing Declaration and Platform for Action, in which violence against women had been identified as one of 12 critical areas of concern. She said that Haiti had taken a number of steps to combat domestic violence, including adopting laws against sexual violence, prosecuting perpetrators, establishing shelters, training civil society organizations and other stakeholders, raising awareness within the media and collecting accurate data to inform the development and implementation of public policies.

11. Ms. Morquette Myrtil said that violence against women was multidimensional and hindered sustainable development and that it required a comprehensive approach and policies that were adequately resourced. She said that Haiti would continue to strengthen its action against domestic violence and called on all States to build a world where women could live free from violence. She also recommended the establishment of national observatories on domestic violence.

12. Ms. Hernandez Oliver explained how Spain addressed issues of domestic violence, which she said could be applied in other countries. She said that Spain allocated a clear budget line for support and assistance to victims of domestic violence in all areas of their life, including in employment. The Government had focused on collecting and making disaggregated data publicly available. In the area of awareness-raising, it had combined the use of traditional channels, such as the media, with non-traditional actors such as chemists, pharmacists and corporations. She emphasized the importance of political support and commitment for addressing the issue. She also pointed out the importance of early detection, including early signs of violence; addressing prevailing macho and chauvinist attitudes; and the importance of stigmatizing perpetrators. She said that comprehensive legislation that paid appropriate attention to women with disabilities and rural women among others was also critical to eliminating and preventing domestic violence.

13. Addressing the role of men and boys in ending domestic violence, Mr. Hasyim spoke about the work of his organization, a crisis centre for women victims of domestic violence in Indonesia. He said the centre also offered a counselling programme for abusive husbands and a men's programme for engaging men and boys in ending violence against women. He explained that, in his experience, the majority of women victims of domestic violence chose to remain in the violent relationship as a result of lack of alternative solutions. They were faced with the choice of applying for a divorce or staying with their abusive partner. In that regard, he highlighted the importance of working with male perpetrators to stop the cycle of violence and change their abusive behaviour.

14. He said that they offered training to male perpetrators on sexual and reproductive health and rights, on how to construct healthy relationships and on non-violent communication skills. They also offered premarital counselling for both men and women and classes on motherhood and fatherhood. He said that one of the challenges of working with male perpetrators was the high dropout rates, which he said could be addressed if the Government made this training mandatory. He noted that changes to the domestic violence act in Indonesia had given judges the power to require perpetrators to attend counselling, although there had yet to be a government-funded programme on counselling male abusers. He recommended that mandatory counselling sessions be integrated into programmes and policies for domestic violence prevention.

15. Ms. Lasagabaster said that although progress had been made by States in the adoption of laws and policies, as well in improving justice and service responses for survivors of domestic violence, many challenges remained. She pointed to the lack of strong political will, inadequate resources, policies and procedures; insufficient monitoring, evaluation and enforcement of legislation; lack of coordination among different stakeholders; persistent and entrenched negative stereotypes; and discrimination and gender inequality.

16. She said that prevention was the only way to reduce and eventually eliminate violence against women and girls. However, prevention remained a relatively new area, with a fragmented approach and without critical mass of data and expertise. In this regard, she announced that UN-Women, in collaboration with other United Nations agencies, was finalizing a global inter-agency framework on the prevention of violence against women. The framework was intended to strengthen a shared understanding on the prevention of violence against women, and it included a number of effective strategies.

17. She said the legal frameworks should be complemented by community mobilization, education, awareness-raising, partnerships with media and civil society organizations, including women's movements, community and religious leaders and programmes that strengthened the involvement of men and boys.

18. Ms. Monarrez Fragoso pointed out that 17 countries in Latin America had the specific crime of femicide on their statute books. She stressed that, when addressing femicide, States should not only take into consideration gender, but also the causes and challenges more broadly. She said that femicide was linked to social class, the geopolitical position of a country, political, structural and hierarchical issues, the distribution of wealth, the security policies of States, and even organized crime. She urged States to allocate adequate budget and resources, to make publicly available gender disaggregated data on all forms of violence against women, including transgender women, to provide funding for women's rights institutions and ensure their independence, to strengthen men and youth groups working for gender equality, and to end impunity for violence against women. She also asked for particular attention to be paid to women who were particularly vulnerable, such as women in the prison system or who had been recently released.

19. Pursuant to Human Rights Council resolution 23/25, which called for an update on the outcome of the open-ended intergovernmental expert group meeting on gender-related killing of women and girls, Mr. Pfeiffer presented the outcome of that meeting, which had taken place from 11 to 13 November, in Bangkok. He said that States had discussed promising practices and made practical recommendations on the prevention and prosecution of and punishment for gender-related killing. He said that they had acknowledged that the killing of women and girls often represented the final event in a continuum of domestic and other forms of violence, which continued as a result of high levels of impunity and a lack of accountability.

20. He said that recommendations included the need for more systematic and disaggregated data collection and analysis and cooperation with civil society organizations, community and religious leaders, women's organizations, human rights defenders and the private sector. He said that experts at the meeting had stressed the importance of laws, policies, procedures and practices to prevent and address not only the killings, but violence against women and girls, and to utilize existing international standards and norms in crime prevention and criminal justice.

21. He said that the Commission on Crime Prevention and Criminal Justice had adopted a follow-up resolution that called for further action by Member States and the United Nations system to enhance their knowledge base on gender-related killings and to accelerate efforts towards preventing them. Mr. Pfeiffer said that UNODC stood ready to partner with Member States and United Nations entities to intensify action against domestic violence and other forms of violence.

C. Interventions by representatives of States members of the Council, observer States and other observers

22. During the discussion, States agreed that the elimination of violence against women was a priority. Concern was expressed that violence against women continued to be one of the most pervasive human rights violations and that domestic violence was the most prevalent. A number of speakers noted that domestic violence included sexual violence such as marital rape, which should not be treated as a private matter but rather as a criminal act. It was noted that domestic violence continued to be shrouded in a culture of silence that placed the shame on the victim rather than on the perpetrator, where it belonged. It was also pointed out that often, culture, tradition and religion were used to justify violence against women and domestic violence.

23. It was highlighted that violence against women occurred both during armed conflict and peace, that it increased in disaster settings and was not limited to one culture, region or a particular group of women within a society. It was usually underpinned by gender

inequalities and discrimination. It was also observed that violence against women was often exacerbated by poverty, lack of education, low levels of empowerment, and negative social attitudes and norms that tolerated such practices. A number of speakers noted that perpetrators of violence against women included State and non-State actors and that certain groups of women were more vulnerable to violence. These included lesbian, bisexual, transsexual and intersex women, rural women and incarcerated women.

24. Several States said that violence against women threatened economic prosperity and prevented the full participation of women in society, and that women should therefore be promoted and empowered within societies and countries in all areas of public life and in decision-making. Repeatedly emphasized was the importance of criminalizing violence against women, providing training for justice-sector officials, including prosecutors and the judiciary, providing victims with protection from reprisals by their families and communities when they reported cases of domestic violence, and making reparations for victims.

25. Several speakers raised the need for good practices on protection and prevention strategies against domestic violence, as well as the need to shift from a patriarchal culture to a culture of gender equality. The importance of countering victim shaming and blaming and empowering victims so they could break the cycle of violence, as well as the need for a targeted response to women from vulnerable groups, was also raised by several speakers.

D. Concluding remarks by the panellists

26. The panellists highlighted the linkages between economic empowerment, sexual and reproductive health and rights, and domestic violence, and the importance of shifting the focus from awareness towards behavioural change.

27. They recommended that States adopt a transformative agenda which should be adequately budgeted and resourced to address the root causes of domestic violence such as poverty, lack of education, gender stereotypes, negative social attitudes and norms that tolerated violence.

28. Panellists agreed that to eliminate and prevent domestic violence effectively domestic violence in different contexts would need to be addressed, such as in conflict and disaster situations, among populations of refugees and internally displaced persons, and in the new forms of social media. They also said that domestic violence should be viewed as part of the continuum of violence that women experience throughout their life cycle.

29. Panellists agreed on the need for further research on the different manifestations of domestic violence, including on gender-related killing and the collection of disaggregated data. And in order have sustainable impact on addressing social and economic inequalities between men and women, panellists recommended that prevention strategies should be holistic and multisectoral, and that interventions should be mutually reinforcing.

30. Panellists noted that conflict settings exacerbated existing attitudes and behaviour that condoned violence against women and that accountability of State and non-State actors, even in conflict situations, was necessary to prevent domestic violence. Panellists called for support for States affected by conflict, in order to prevent and respond effectively to sexual violence. They also pointed to the need for continued gender mainstreaming in all policies and programmes of the United Nations.

31. They emphasized the critical role of civil society organizations and of religious and community leaders. They also agreed on the importance of involving men and boys in efforts to prevent domestic violence. It was stressed that men were not naturally violent and that violence was a learned behaviour that could be unlearned.

32. The panellists underlined the importance of education in eliminating stereotypical notions of the role of men and women and masculinity constructs that encouraged violence by men. To transform existing cultures of patriarchy to gender equality, panellists recommended that States model their policies on international standards and share information and practices for education on positive masculinity and for school curricula to include harmful masculinity stereotypes and practices.

33. Panellists welcomed the inclusion of a specific target in the post-2015 agenda on the elimination of violence against women in public and private spheres.

III. Panel two: women's human rights and participation in power and decision-making

34. The panel was composed of the Executive Director of the International Trade Centre, Arancha González; a Parliamentarian and trade-union activist from Bangladesh, Shirin Akhter; a Project Officer from the World YWCA in Benin, Lucrèce Falolou; a Partner at Index Ventures, from France, Michèle Ollier; and a researcher on gender, public policies and public administration from Paraguay, Lilian Soto. The panel was moderated by the Chair of the Working Group on the issue of discrimination against women in law and in practice, Emna Aouij.

A. Statement by the United Nations Deputy High Commissioner for Human Rights

35. In her opening remarks, the Deputy High Commissioner welcomed the fact that women had increased their participation in political and public life, in part owing to the adoption of gender-sensitive laws and temporary special measures to accelerate de facto equality. She said that progress, however, was still at a snail's pace, still far from the 50 per cent parity that should be the objective. At present, women represented a mere 20 per cent of the world's parliamentarians and 17 per cent of heads of State. Women were also severely underrepresented in top leadership bodies in the economic sphere, they continued to be paid less for work of equal value, and too many were trapped in the informal economy, as well as having to shoulder most of the unpaid work in the home.

36. The Deputy High Commissioner stressed that not enough had been done to ensure women's participation in peace and security, despite studies indicating that post-conflict agreements negotiated without women broke down faster than those that included women. As barriers to women's equal enjoyment of the rights to economic and political participation, harmful gender stereotypes significantly affected the rights of women by confining them to roles deemed "appropriate" or "feminine" and resulted in unequal treatment. Deep-seated patriarchal structures, which manifested in discriminatory social, economic and political norms further compounded the issue.

37. The Deputy High Commissioner called for a comprehensive and holistic approach, which must begin at an early age to address these barriers. She said that we needed enabling environments that valued and promoted women and girls and equipped them for leadership positions. And we also needed the commitment of men and boys to equality and non-discrimination. In addition, political systems needed to fully represent women as well as men, and laws needed to be put in place and implemented that mandated the equality of women and their equal access to resources and opportunities. She said that laws that discriminated against women must be removed.

38. The Deputy High Commissioner called on everyone to take advantage of the unique opportunities of the coming months—particularly relating to negotiations around the sustainable development goals—to assess the progress made 20 years since Beijing and come up with concrete transformative actions that could dismantle harmful gender stereotypes, drive greater gender equality and enhance women's ability to claim their rights and participate in power and decision-making.

B. Overview of the panellists' presentations

39. Ms. Aouij, the panel moderator, referred to the first thematic report of the Working Group on the issue of discrimination against women in law and in practice presented in 2013 concerning women's participation in public and political life. The report gave an account of the progress that had been made and the main challenges that needed to be tackled so that women could participate fully in public and political life on an equal basis with men and with respect for democracy and human rights. To ensure this, it was essential to tackle the structural and social underpinning of gender-based discrimination.

40. She said that there was still a long way to go and that no country would establish gender equality in public and private life so long as discrimination persisted between women and men. More efforts were needed for incorporating women in decision-making bodies in corporate structures, international bodies and elsewhere. Recalling the Working Group's 2014 thematic report on discrimination against women in economic and social life, Ms. Aouij also stressed the importance of having women represented in cooperatives and trade unions, and of having them participate in economic and social life generally. She observed that a large number of States had put in place positive initiatives, such as special temporary measures, which had improved women's participation in public and political life.

41. Ms. González emphasized that economic empowerment was key to ensuring women's human rights in practice. It turned women into independent and confident stakeholders in the economy and society, and trade could play an important role in empowering women economically. The International Trade Centre helped build the capacity of women to produce and offer services that the market wanted and helped connect those services to regional and international markets. She said that failing to create economic opportunities for more than half the population was not a smart economic decision and, citing a study from McKinsey and Company, pointed out that corporations that had greater gender diversity at the top performed better.

42. She said that women's participation in the paid economy also benefited their families and societies as a whole. Employed women could have a significant effect on poverty reduction, universal primary education and reduced child mortality. As women increased not only their own but also their children's economic prospects, the impact of economic empowerment was transgenerational.

43. To pave the way towards gender equality, she emphasized that, besides legal structures that ensured gender parity in law and equal access to resources, women's rights should also be approached as human rights across the entire empowerment chain. This included providing trade and business-related training for girls and women, encouraging gender parity at work, analysing and addressing trade barriers that affected women disproportionally, encouraging public procurement practices that included companies owned by women, and promoting the inclusion of more women suppliers in and across the entire value chains.

44. Ms. Akhter stated that progress had been made in Bangladesh since the adoption of the Beijing Declaration and Platform of Action 20 years previously. That was exemplified by the representation of women in senior public positions, including a Head of State, a

Prime Minister, several government ministers, a speaker of parliament and an opposition leader. Citing articles 7 and 8 of the Convention on the Elimination of All Forms of Discrimination against Women, she stressed the need to ensure equality in all spheres of life, including in the family and the workplace, as well as to ensure equal opportunity in education, health and security. Reference was also made to general recommendation No. 23 of the Committee on the Elimination of Discrimination against Women, which called on Governments to lead and guide public opinion and change attitudes that discriminated against women or discouraged women's involvement in political and public life.

45. Ms. Akhter said that in Bangladesh the mindset of men needed to be changed to address these discriminatory and discouraging attitudes. She stressed that terrorism in the name of religion was an important challenge to women's participation in politics and the economy. Bangladesh had instituted a quota system for women's representation in parliament since 1973; currently, 50 seats were reserved for women and 20 of 300 parliamentary seats were occupied by women who had been directly elected to fill those seats. However, Ms. Akhter highlighted that although the Constitution of Bangladesh guaranteed equal rights for women, this was not always evident in all spheres of life.

46. She pointed out the importance of achieving equality in local government and the need to build the capacities of women at the local level. She called on everyone to take positive initiatives, including at the grassroots level, to change the mindset of men, to ensure that women could work together with men on an equal basis, and to empower young women with the goal of achieving equality.

47. Citing her own experience, Ms. Falolou highlighted the importance of the role that women leaders had played as role models in shaping her own personal development as a leader. One such role model has been Ms. Marie-Elise Gbedo, formerly Minister of Justice and Minister of Commerce of Benin and an accomplished businesswoman, lawyer and politician, in addition to being a courageous and tenacious advocate for women's rights. Ms. Falolou also paid tribute to YWCA and its work to promote women's leadership and empowerment.

48. As a youth educator and coordinator of YWCA Benin, Ms. Falolou described her work in training young women and girls to be future leaders, as well as engaging with teachers, parents, local authorities, religious leaders, Parliament and the Government through workshops and other activities. At the international level, she continued to participate in numerous workshops, training courses, forums and conferences representing African youth and engaging policymakers.

49. She highlighted the various barriers to women's participation, which included attitudes, discriminatory laws and practices, the persistence of sociocultural stereotypes, and family and childcare responsibilities. Without the active participation of women and the inclusion of their views at all levels of decision-making, she said that the goals of equality, development and peace could not be achieved.

50. She said that women must have the courage to challenge cultural barriers, be confident and dare to be different, set life goals and the means to achieve them, be better informed about legislation, have the ambition to gain access to positions of responsibility and believe in their potential. In conclusion, she said that the most important determinant of women's participation in economic and political decision-making was education, citing the African proverb: "If you educate a boy, you train a man. If you educate a girl, you train a village".

51. Ms. Ollier observed that the venture capital industry was a world dominated by men and an area where men held 90 per cent of the decision-making posts. Although gender stereotypes did exist and attitudes tended to be masculine and aggressive—which often made it difficult for men to incorporate women in this area—one of the challenges were the

attitudes and confidence of women themselves. She said that if a woman wanted to obtain a senior position in the area of venture capital, or in other corporate structures, she could. It required a large amount of work, sacrifice and determination, but the door was open, as was evidenced by her own case.

52. Ms. Ollier pointed out that in the business world, women must be willing to take greater risks and have more confidence in their abilities. Women in jobs that are male-dominated bore a responsibility to empower, mentor and teach young women that they were every bit as good and qualified as men and that they had everything it took to succeed.

53. Ms. Soto outlined a number of stereotypes in the Latin American and Caribbean region that prevented women from participating in the political sphere. The stereotypes included: women were seen as sensitive, uncompetitive and unfit for political life; women were seen as caregivers and confined to domestic work; successful women were expected to look and dress in a certain way and focus on their appearance rather than their policies; and a "good" woman was seen as having a family and children, being heterosexual and generally conforming to such dominant gender norms.

54. She said that politics was generally seen as the stamping ground of powerful men, and that women were often confined to social policies, commonly regarded as being of lesser importance politically—such as health care and sexual and reproductive health and rights.

55. To attack those stereotypes, Ms. Soto said that we needed to use education, mass communications systems and the media, the very institutions that had laid the foundations for such stereotyping. Measures such as quotas could also be effective in leading to greater participation of women in public and political life. Those measures also reminded everyone that women must be present in various spheres and contribute to breaking the existing monochromatic and monodimensional view of politics. She concluded by calling on States to observe the example of the Plurinational State of Bolivia, which had adopted a law against political harassment and violence against women and had achieved parity in Parliament, when 10 years previously, less than 15 per cent of parliamentarians had been women.

C. Interventions by representatives of States members of the Council, observer States and other observers

56. In their interventions, States agreed that although progress has been made since the adoption in 1995 of the Beijing Declaration and Platform for Action, a significant amount of work remained to be done in all countries to ensure the full and equal participation of women in power and decision-making. The speakers agreed that multiple barriers, such as discriminatory social, economic, and political norms, harmful gender stereotypes, entrenched patriarchal structures, and unequal allocation and access to resources and opportunities continued to perpetuate discrimination against women, violate their human rights and inhibit progress in this area.

57. A number of States highlighted women's economic contribution to development and observed that enhancing women's full and meaningful participation in power structures across economic, political and social spheres was critical to advancing human rights. Yet, several speakers pointed out that women still suffered from unequal access to high-level positions in decision-making worldwide and more needed to be done in enhancing the visibility of female leadership and in utilizing successful women as role models to motivate and inspire. Some speakers observed that women's participation in political and legislative bodies was crucial for shaping policymaking on issues that affected them and that particular attention should be given to including minorities and disabled women.

58. In sharing a number of good practices to address those barriers at the national level, States highlighted the adoption of national action plans, policies and legislation to foster women's leadership and in support of gender parity. That included legal provisions in the constitution and additional legislation to implement effectively the principle of gender equality, legally binding quotas for women's representation in public (e.g. electoral lists) and private leadership positions (e.g. company boards) and linking State funding for political parties to a minimum percentage of women representatives.

59. States also discussed good practices at the international level, such as the organization of high-level events, initiatives, programmes and regional frameworks. This included calls by several speakers for centrality of gender equality and gender perspective as a crosscutting issue, in the post-2015 development agenda and for renewed commitment to this important issue, including strengthening efforts to consistently mainstream women's rights in the Human Rights Council.

60. The need for greater involvement of men and boys in promoting gender equality was also emphasized by several speakers. A number of States pointed out that ensuring gender equality was a rights issue that concerned every member of society and that investing in women as agents of development led to better living conditions for entire populations.

61. Some speakers also observed the need to ensure the equal sharing of domestic work and childcare between women and men, as well as to ensure that all women had equal access to high-quality education. In the context of peace and security, several States pointed out that women continued to be excluded from peace negotiations and conflict resolution initiatives and that their empowerment and full participation in conflict resolution and post-conflict efforts was critical to the sustainability of international peace and security. Some speakers called on States to step up their efforts to enforce the principle of gender parity and also take into account the situation of women human rights defenders, who often faced systemic and pervasive attacks against their work, their identity and their bodies.

D. Concluding remarks by the panellists

62. Panellists agreed that gender stereotypes, prejudices and patriarchal structures continued to have a negative impact on gender equality, and that this situation was often exacerbated by negative portrayals of women in the media. There was a need for greater recognition of women as important agents of change. Therefore, much remained to be done to ensure the full and equal participation of women in power structures and decision-making bodies.

63. While welcoming measures taken by States to promote gender equality in participation in power and decision-making, panellists emphasized that laws, policies and plans should also be gender sensitive and be fully implemented. Special temporary measures such as quotas were a good way to accelerate progress towards gender equality, but must be complemented by programmes that supported and built capacities of women with the skills and confidence needed to lead and participate effectively in decision-making processes.

64. In this connection, panellists emphasized the crucial importance of education—teaching girls and boys at as early an age as possible about gender equality, and empowering young women with the tools to become the leaders of tomorrow. Confidence-building measures, such as utilizing the media, including social media, to showcase women and girl role models, would contribute to creating greater confidence among women and girls in their ability to be successful in all areas. Technology was also deemed of great importance, for example in education and e-training for women, in financing through crowd funding, and in gender-sensitive data collection.

65. Other recommendations proposed by panellists included the promotion of secularism and the establishment of mechanisms and financing to facilitate consideration of women candidates for senior appointments in the public sector. Calls were also made to motivate and involve men in promoting awareness of gender equality and changing attitudes, as well as to support debates on masculinity, in order to bring about lasting change and combat harmful gender stereotypes.

66. Panellists also emphasized the need for States to support the women's movement, in particular women's associations and organizations, which were crucial in their systematic monitoring and reporting on women's human rights. In conclusion, the need was expressed to more aggressively promote the beneficial role of women's values in the business sector, which were often neglected. This included a greater concentration on welfare within the business community, a more consensus-based approach and a stronger inclination to search for peaceful solutions that would benefit everyone.

67. Panellists also shared examples of good practices to promote the equal participation of women in power and decision-making. This included public procurement policies that provided greater opportunities for women in small and medium enterprises to thrive, as well as the setting of targets by multinationals themselves to make their supply chains more inclusive.

68. Other examples included moving women from the informal to the formal sector by ensuring access to credit, reforming the taxation systems and reducing bureaucracy. Support by countries and communities to vulnerable refugee communities, the majority of whom were women, and efforts to connect them to markets, was highlighted as bringing benefits to everyone.

69. Panellists also shared good practice examples, such as networking initiatives in some Latin American countries to connect and establish relationships between civil society organizations and national human rights and women's institutions; the establishment of bodies to monitor the situation of women's participation in politics; and the existence of organizations that help finance political campaigns of women candidates who are committed to defending the human rights of women, including their sexual and reproductive health and rights.

70. The panel discussion provided an opportunity to consider what has been accomplished since the adoption of the Beijing Declaration and Platform for Action and to emphasize the international legal underpinnings of women's equal participation in power and decision-making in all spheres—political, economic, social and cultural. The panel was unanimous in calling for action at all levels, from the family to the regional and international levels. It said that States should remain committed and persist in the common endeavour to accelerate and ensure that the targets adopted in Beijing were met.